

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

The COMMONWEALTH OF  
MASSACHUSETTS,

*Plaintiff,*

and

The AQUINNAH/GAY HEAD COMMUNITY  
ASSOCIATION, INC. (AGHCA) and  
TOWN OF AQUINNAH,

*Intervenor/Plaintiffs,*

V.

The WAMPANOAG TRIBE OF GAY  
HEAD (AQUINNAH), et al.,

### *Defendants*

and

CHARLES D. BAKER, in his official capacity as  
GOVERNOR, COMMONWEALTH OF  
MASSACHUSETTS, et al.

*Third-Party Defendants.*

No: 1:13-cv-13286-FDS

**PLAINTIFF COMMONWEALTH OF MASSACHUSETTS' MOTION FOR  
SUMMARY JUDGMENT**

Plaintiff Commonwealth of Massachusetts respectfully moves for summary judgment on all claims, pursuant to Fed. R. Civ. P. 56, on the ground that there is no genuine issue of material fact and that the Commonwealth is entitled to judgment as a matter of law. Specifically, the Commonwealth requests that this Court enter summary judgment declaring that the defendants have no right to license, open, or operate a gaming establishment on the Settlement Lands without

complying with all laws of the Commonwealth pursuant to the terms of the Settlement Agreement and further declaring that Gaming Ordinance No. 2011-01, and any action taken by the defendants pursuant to Gaming Ordinance No. 2011-01, are illegal and void because the Ordinance and any actions taken pursuant to the Ordinance are in irreconcilable conflict with the Settlement Agreement and with Massachusetts law.

The specific grounds for this motion are set forth in the accompanying Memorandum.

Respectfully submitted,

THE COMMONWEALTH OF MASSACHUSETTS,

By its attorney,

MAURA HEALEY  
ATTORNEY GENERAL

/s/ Juliana deHaan Rice  
Juliana deHaan Rice (BBO # 564918)  
Carrie Benedon (BBO # 625058)  
Bryan Bertram (BBO # 667102)  
Assistant Attorneys General  
One Ashburton Place  
Boston, MA 02108-1698  
(617) 963-2583  
[Juliana.Rice@state.ma.us](mailto:Juliana.Rice@state.ma.us)  
[Carrie.Benedon@state.ma.us](mailto:Carrie.Benedon@state.ma.us)  
[Bryan.Bertram@state.ma.us](mailto:Bryan.Bertram@state.ma.us)

Dated: May 28, 2015

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1(a)(2)**

Undersigned counsel certifies that, pursuant to Local Rule 7.1(a)(2), she has conferred with counsel for the defendants and has attempted in good faith to resolve or narrow the issues presented in this motion.

/s/ Juliana deHaan Rice

**CERTIFICATE OF SERVICE**

I, Carrie Benedon, hereby certify that on this 28<sup>th</sup> day of May, 2015, I filed the foregoing document through the Electronic Case Filing (ECF) system and thus copies of the foregoing will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF); paper copies will be sent, via first-class mail, to those indicated as non-registered participants.

/s/ Carrie Benedon